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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/644,851

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Avraham Ron Schlank

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EXAMINER

DULANEY, BENJAMIN O

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/644,851	Applicant(s) SCHLANK ET AL.	
	Examiner Benjamin O. Dulaney	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 21-25 and 27 have been considered but are moot in view of the new ground(s) of rejection.

While examiner does not agree with the argument that there is no motivation to combine Reifman and Sharma, Reifman is withdrawn as a reference to belay confusion, and the current rejection will proceed on the merits of Sharma.

In regards to applicant's argument that Sharma does not teach the feature "displaying a setting screen by which an end user can set either one of a transmission setting and a print setting", examiner disagrees for three reasons. Firstly, "either one of" can mean setting one or the other despite the use of the word "and"; therefore only a print setting **or** a transmission setting need be present to read on the current claim. Secondly, a facsimile's most common use is to be transmitted to a destination and then printed. Hence the facsimile setting that is readily apparent in Sharma (Figures 2, 52 and 55) would be both a transmission **and** a print setting, since sending a fax usually involves both. And finally, the invention of Sharma involves being able to send a fax from any application in which printing is available. Sharma teaches that when the "print" key is selected (i.e. a print selection) in these applications (Column 37, lines 22-26; Column 7, lines 11-23), then the fax manager will become available (providing transmission selections). Under any one of these three interpretations the current claim does not overcome Sharma.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 1) Claims 21-24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent 5,452,289 by Sharma et al.
- 2) Regarding claims 21 and 27, Sharma teaches a data processing method executed by a printer driver in a computer terminal connected to an image processing apparatus, said method comprising: a first accepting step of accepting a document from an application program executing in said computer terminal (Column 37, lines 21-26; the print command from unaware applications); a displaying step of displaying a setting screen by which an end user can set either one of a transmission setting and a print setting (Column 37, lines 55-59; Column 38, lines 39-40), said displaying step being initiated by calling the printer driver in accordance with the end user's selection of a printing menu of the application program (Column 42, lines 47-68); a second accepting step of accepting the end user's selection of the transmission setting or the print setting from the setting screen (Column 42, lines 61-68); a selecting step of selecting whether the document accepted in said accepting step is to be transmitted or printed by said image processing apparatus in accordance with the selection accepted from the end

user in said second accepting step (Column 42, lines 47-68; Figures 52 and 55); a first step of setting the print setting in a case where said selecting step selects that the document is to be printed (Column 37, lines 22-26; Column 7, lines 11-23); a second setting step of setting the transmission setting including a destination in a case where said selecting step selects that the document is to be transmitted; a converting step of converting the document accepted in said accepting step into image data which is printable form (Figure 1; Column 42, lines 47-68); and a transferring step of transferring the image data converted in said converting step, and either the print setting set in said first setting step or the transmission setting set in said second setting step to said image processing apparatus to cause said image processing apparatus to print or transmit the image data (Figure 52).

3) Regarding claim 22, Sharma teaches a data processing method according to claim 21, wherein said selecting step further comprises a selection to save the document accepted in said accepting step (Figure 52; Column 40, line 29).

4) Regarding claim 23, Sharma teaches a data processing method according to claim 22, further comprising a saving step of saving the image data converted in said converting step into a memory of said computer terminal in a case where said save is selected in said selection step (Figure 52; Column 40, line 29).

5) Regarding claim 24, Sharma teaches a data processing method according to claim 21, wherein said image processing apparatus is a facsimile apparatus, wherein transmission by a facsimile communication is selected in said selecting step, and

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wherein said transferring step transfers the transmission setting including a facsimile destination to said facsimile apparatus (Column 42, lines 47-68).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6) Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,452,289 by Sharma et al.

Sharma does not specifically teach a data processing method according to claim 21, wherein said second setting step includes a setting to attach a cover sheet, and said transferring step transfers the cover sheet and the image data to said image processing apparatus.

Examiner takes official notice that attaching a cover sheet to a facsimile transmission is well known in the art and would have been an obvious modification at the time the invention was made.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin O. Dulaney whose telephone number is (571) 272-2874. The examiner can normally be reached on Monday - Friday (9am - 6pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TWYLER LAMB
SUPERVISORY PATENT EXAMINER